



Miami-Dade Commission on Ethics & Public Trust

Investigative Report

Investigator: Manuel W. Diaz

Case No.: PI 14-035	Case Name: Waldman Vote	Date Open:	CASE CLOSED
Complainant(s): Pat Pascuzzo	Subject(s): Conflict of Interest	7/21/14	

Allegation(s):

The COE received information that Homestead Commissioner Judy Waldman (Waldman) may have voted on an item concerning the sale of City property when she had a conflict of interest.

Homestead resident Pat Pascuzzo alleged that Waldman and the owner of Elite Real Estate Investments (Elite), the bidder, have a prohibited relationship because of a donation that the owner of Elite made to a 501(c)(3) (not-for-profit) which Waldman chairs.

Relevant Ordinances:

(d) *Further prohibition on transacting business with the County.*

“...Additionally, no person included in the term defined in Subsection (b)(1) shall vote on or participate in any way in any matter presented to the Board of County Commissioners if said person has any of the following relationships with any of the persons or entities which would be or might be directly or indirectly affected by any action of the Board of County Commissioners:

(i) officer, director, partner, of counsel, consultant, employee, fiduciary or beneficiary; or (ii) stockholder, bondholder, debtor, or creditor, if in any instance the transaction or matter would affect the person defined in Subsection (b)(1) in a manner distinct from the manner in which it would affect the public generally...”

Investigation:

Interviews

Roy Steve Shiver (Shiver) – Lobbyist, MCM Elite Real Estate Investments.

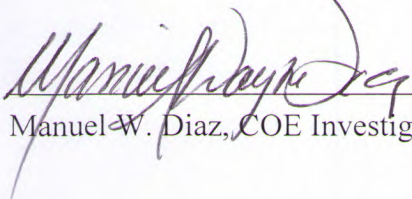
Shiver was contacted. He disputed the allegation that there was any conflict of interest created by Waldman’s vote on the sale of the Homestead bowling alley to Elite. He advised that he had been in contact with Homestead City Attorney Richard Weiss (Weiss), Weiss Serota Helfman Pastoriza Cole & Boniske, 2525 Ponce De Leon Blvd., Suite 700, Coral Gables, Florida 33134. Shiver advised that Weiss would be contacting the COE to request an opinion as to Waldman’s alleged conflict.

Documents Reviewed

E-mails between Weiss and the COE. (Copies in file)
COE Opinion dated July 24, 2014. (Copy in file)
Minutes from the Homestead City Commission Meeting of 2/19/14. (Copy in file)
Miami Herald Articles 7/7/14, 7/25/14. (Copies in file)
City of Homestead Lobbyist Log 2014. (Copy in file)

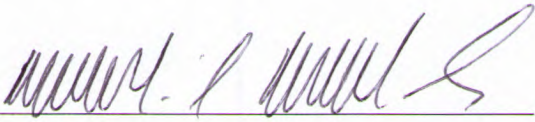
Conclusion:

The Ethics Commission issued Waldman an opinion advising her that under the facts and circumstances of the case, she had no voting conflict on the bowling alley issue, however, since Elite withdrew its bid to purchase the bowling alley property no vote ever took place. Therefore, the investigation is closed without further action.

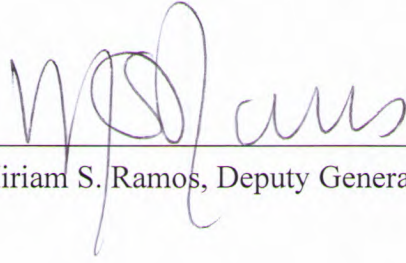


Manuel W. Diaz, COE Investigator

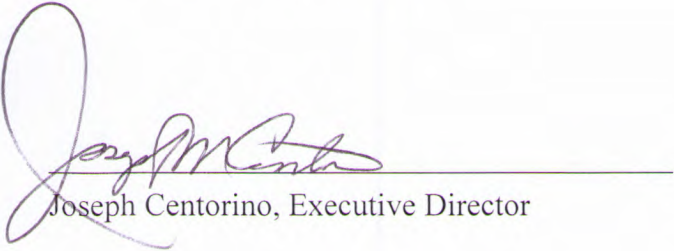
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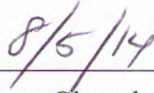
Michael Murawski, Advocate



Miriam S. Ramos, Deputy General Counsel



Joseph Centorino, Executive Director



Date Closed